



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
Division of Workers' Compensation
220 French Landing Dr.
Nashville, TN 37243
1-800-332-2667

FEE NOTICE

UTILIZATION REVIEW APPEAL

Public Chapter 289 (2013) and Tennessee Code Annotated § 50-6-204 (j)(5) authorize an employer to use utilization review to determine the medical necessity of a treatment recommended by an authorized treating physician, and, in other instances required by the workers' compensation statutes or the medical fee schedule. (Utilization review is required in the form of pre-admission review for all inpatient hospital admissions; concurrent review should be done after discharge. Emergency admissions require utilization review within one business day of the admission. Utilization review is required on chiropractic, physical and occupational services after twelve visits. In order to facilitate expedited utilization review, whenever a physician orders physical therapy or occupational therapy the physician should include the diagnosis on the prescription for physical therapy or occupational therapy. Utilization review is required for psychological treatment services in excess of fifteen (15) visits).

If an appeal for denial of treatment is received by the Division, pursuant to Tennessee Code Annotated § 50-6-204(j)(5) and Rule 0800-02-06-.07(2)(c), the Division is authorized to impose a fee for the administration of the utilization review appeal process. Accordingly, the Workers' Compensation Division will collect a fee of two hundred and fifty dollars (\$250) for each review conducted. After the utilization review appeal is completed, an invoice will be submitted to the employer or their workers' compensation insurance carrier/TPA for payment. The fee shall be paid by the employer, or their workers' compensation insurance carrier/TPA, within thirty (30) calendar days of the completion of the utilization review appeal. If the fee is not paid within the time frame, then a 10% interest payment shall accrue for every thirty (30) calendar days that the fee remains unpaid.

The Workers' Compensation Division will provide notice to the employer's workers' compensation insurance carrier's/TPA's adjuster whenever it receives an appeal of a utilization review decision rendered pursuant to the statute. If the carrier decides to rescind the original utilization review decision, the carrier must inform the Workers' Compensation Division of its decision within two (2) business days of the receipt of the notice of the Appeal to avoid assessment of the fee.

The Notice of Appeal Rights for a Utilization Review Denial (Form-C35A) was updated in December of 2010. Please note that any older versions of the Form-C35A will not be accepted and will be returned to the carrier and/or their utilization review company as invalid. The carrier and/or their utilization review company will be required to resubmit the correct version of the form.

Questions regarding this notice may be directed to Melissa Sanders by telephone at 615-253-2374 or via electronic mail Melissa.D.Sanders@tn.gov.